

United States District Court
For The Northern District of New York State

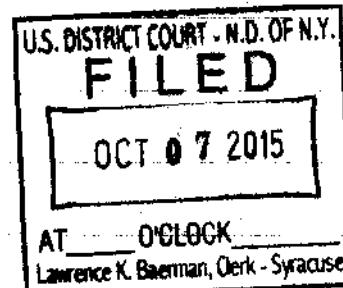
Angel Ordonez
plaintiff,

v.

Complaint
Jury Trial Demanded

Correctional officer Joseph Beatty,
Correctional officer Clarence Ledulke,
Sergeant Christopher Baseue,
Sergeant Lowery,
Deputy Superintendent of Security Eastman,
and Superintendent Christopher Miller

9:15-cv-1198



State of New York }
County of Chemung }.

I, Angel Ordonez hereby being duly sworn affirms
under the penalty of perjury pursuant to the penalty of perjury under 28 U.S.C. § 1746
and CPLR 2309 [B] that the following is true, and accurate:

I Jurisdiction and Venue

1. This court has jurisdiction over this action under 28 U.S.C. § 1331,
and 1333(3) and (4). The matters in controversy arise under 42 U.S.C. § 1983, and 28 U.S.C.
§ 1337 which allows this court to hear supplemental states claim.

2. Venue properly lies in this District pursuant to 28 U.S.C. § 1331(e)(2), because the events giving rise to this cause of action occurred at Great Meadow Correctional Facility in Comstock, New York, which is located within Northern District of New York state.

3. The court has jurisdiction to hear this claim for racial discrimination, where plaintiff is Hispanic and all the defendants are pro-white prison officials who treated the plaintiff different than white inmates.

II Parties To This Action

4. Plaintiff Angel Ordonez is, and was at all times relevant hereto a prisoner in the custody of the Department of Corrections and Community Supervision (D.O.C.C.S.). At the time of the events relevant hereto, Ordonez was incarcerated at Great Meadow Correctional Facility. Ordonez is currently incarcerated at the Southport Correctional Facility.

5. Name of Defendant: Joseph Beatty

Official Position: Correctional Officer

Sued in: Individual Capacity

Address: Great Meadow Correctional Facility

Box 51

Comstock, New York 12821-0051

6. Name of Defendant: Clarence Leduke

Official Position: Correctional Officer

Sued in: Individual Capacity

Address: Great Meadow Correctional Facility
Box 51
Comstock, New York 12821-0051

7. Name of Defendant: Christopher Bascue
Official Position: Correctional Sergeant
Sued in: Individual, and official Capacity
Address: Great Meadow Correctional Facility
Box 51
Comstock, New York 12821-0051

8. Name of Defendant: Louseny
Official Position: Correctional Sergeant
Sued in: Individual, and official Capacity
Address: Great Meadow Correctional Facility
Box 51
Comstock, New York 12821-0051

9. Name of Defendant: Eastman
Official Position: Deputy Superintendent of Security
Sued in: Individual, and official Capacity
Address: Great Meadow Correctional Facility
Box 51
Comstock, New York 12821-0051

10. Name of Defendant: Christopher Miller
Official Position: Superintendent
Sued in: Individual, and official Capacity

Address: Great Meadow Correctional Facility
Box 51
Comstock, New York 12821-0051

III Previous Lawsuits By Plaintiff

11. Plaintiff has filed no other lawsuits dealing with the same facts involved in this action or otherwise relating to his/her imprisonment.

IV Exhaustion of Administrative Remedies

12. I ~~verbally~~ verbally notified numerous area block officials, area supervisor, Deputy Superintendent of Security, Superintendent at Great Meadow Correctional Facility in F-2-Block gallery oddside. I also wrote grievances, and to said individuals complaining.

13. I wrote numerous grievances, and complaints at facility to I.G.R.C., and Superintendent Christopher Miller. I appealed ~~the~~ the Superintendent's decision to C.O.R.C.

14. I wrote Commissioner of D.O.C.C.S Anthony Annunzi, Attorney General Eric T. Schneiderman, and State Commission of Corrections of my issues relevant to this claim.

V Statement of Facts

15. On or about May 28th 2014, plaintiff returned back to Great Meadow Correctional Facility F-2-Block oddside from Albany Med after receiving suicidal surgery.

16. Plaintiff was placed in the search area on F-1-Block(s+u) upon his arrival waiting for his supposed property to be transferred from his original cell (F-1-27 cell odd side) before leaving to Albany Med, to a new cell (F-1-27 cell odd side).

17. While in the search room plaintiff overheard a(C.O) correctional officer in the bubble close to the search area where plaintiff was being held tell another(C.O) correctional officer quote "Ledupe, and Bascue found the dirtiest cell where the last guy smeared all the shit on the walls for all those grievances Ordonez Wrote against them" unquote. Referring to the plaintiff.

18. Plaintiff was then escorted to his new cell from the search area. Immediately after arriving in new cell (F-1-27 cell) plaintiff noticed several state issued white clothing missing as well as state towel. Plaintiff also noticed the cell was beyond filthy, caked up with garbage on the floor, feces splattered on the left+right side of cell walls, the smell of urine+feces in the cell and a ripped mattress missing a whole cushion compartment.

19. Plaintiff then notified block officer C.O. Clarence Leduke that his cell was missing several state issued white clothing, one state towel, that the left+right side of cell walls were covered in feces, and that the mattress was ripped with a missing cushion compartment. Plaintiff then asked C.O. Clarence Leduke for cleaning supplies, a new mattress, the replacement of the missing white clothing and towels. C.O. Clarence Leduke responded stating quote, "I know the last guy inside that cell was a pigstie. To answer your request no-one receives anything from me especially someone who wrote me up stupid faggot" unquote. Plaintiff then requested to speak with area supervisor. Request was denied.

20. Plaintiff began thoroughly inspecting the cell, and noticed the toilet was inoperable, clogged with urine+feces, and the floor area around the toilet had a clear visible sign of an overflow because the floor area was plastered with dry feces and urine.

21. Around 30 minutes after the plaintiff was housed in new cell (F-1-27 cell) the area supervisor Sgt. Christopher Baseue conducted a security round after placing another inmate in plaintiff's old cell (F-1-29 cell). Plaintiff explained to Sgt. Christopher Baseue that the cell was filthy, filled with caked up garbage on the floor, the right left side of cell walls were splattered with feces, the cell smelled/recked of feces + urine, that the mattress was ripped with a cushion compartment missing, all state white clothing was missing, that the toilet was inoperable, that the toilet was clogged with feces + urine from the cell's last occupant, that the floor area around the toilet was also plastered with dry feces, and urine from a clear cell toilet overflow.

22. Plaintiff attempted to show Sgt. Christopher Baseue of said issues, and requested from Sgt. Christopher Baseue for cleaning supplies, new mattress, for an emergency work order to fix inoperable toilet, that the missing state white clothing, and state towel be replaced. Sgt. ~~Chris~~ Christopher Baseue responded stating quote "Do you really have the audacity to ask me for shit after you wrote me and my friends up, Snitch to all my superiors about me, you aint getting shit from me retard" unquote.

23. On or about May 30, 2014 C.O. Joseph Beatty was conducting his initial security round (7:00am-3:00pm) in which plaintiff notified C.O. Joseph Beatty that the toilet was inoperable because it was clogged with the cells last occupant's feces + urine, the need for cleaning supplies because of the feces splattered on both sides of cell walls from cells last occupant, that the area around the toilet was plastered with feces + urine from last cell's occupant the need for a new mattress because the mattress was ripped with a missing cushion compartment, for the replacement of missing white clothing, and state towel. Plaintiff attempted to show C.O. Joseph Beatty in which C.O. Joseph Beatty responded stating quote, "I know you had something to do with fucking your toilet up you stupid nigger spick, only thing you're getting from me is a ticket. No one writes my friends up, and thinks i'm going to give him shit", unquote. Plaintiff then requested to speak with Sergeant. Request denied

24. After breakfast was handed out on F-1-Block oddside plaintiff overheard another inmate complain about an overflow coming from out of the sewer directly in front of his cell on the gallery, to one of the block officers. Immediately after such complaint Sgt. Lowery, and C.O. Joseph Beatty came to the plaintiff's cell (F-1-27 cell oddside) yelling accusations. C.O. Joseph Beatty stated quote "You fucking retard you never fail to amaze me. You are a clear definition of a stupid nigger spick. You flooded your toilet, and the entire gallery," unquote. Sgt. Lowery then said to plaintiff quote, "You fucked up stupid wet-back now you're in deep shit. You wrote all these bullshit grievances on my staff now it's my turn to return the favor you stupid wet-back," unquote. Plaintiff attempted to explain his cell conditions to Sgt. Lowery, and asked Sgt. Lowery for cleaning supplies because of the feces, and urine that was in the cell which was left there by the cell's last occupant. Sgt. Lowery responded to plaintiff stating quote, "You ain't getting shit but a ticket wet-back now write that up," unquote.

25. At around or about after lunch maintenance came on the gallery to allegedly fix plaintiff's toilet, and sewage system. Plaintiff was then transferred from his cell (F-1-27 cell) to the shower area on the gallery. While under escort plaintiff overheard a maintenance man say quote, "If it wasn't for ~~boss~~ my bosses begging me to come down here, and fix this retarded toilet he would've been sitting in that shit for another year. Guess what guys I am going to fix it, and show you guys how to fuck with it so it does not work," unquote. C.O. Joseph Beatty ~~walked~~ walked in front of the shower's gate/door after coming out of plaintiff's cell with maintenance and Sgt. Lowery and C.O. Joseph Beatty yelled at plaintiff stating quote, "You retarded ass spick you flushed your clothes in the toilet. Now I get to take

all your shit, and give you a ticket. I bet next time you'll think twice about writing my friends up," unquote.

26. Plaintiff was then transferred from the shower back to his cell (F.1.27 cell). Upon entering the cell plaintiff noticed his state issued sheets, blankets, pillow case, and state green clothing were confiscated. Plaintiff notified Sgt. Lowery of confiscated items in which Sgt. Lowery responded stating quote, "You don't get to have shit. Now write that up wet-back. ~~Expect~~ Expect a fucking ticket," unquote.

27. On or around May 31, 2014 plaintiff was issued false Tier III misbehavior report in retaliation for numerous verbal, and written complaints made against C.O. Joseph Beatty's friends/coworkers. Plaintiff was found not guilty on such misbehavior report written by CO Joseph Beatty (see Exhibit #A)

28. Plaintiff notified Deputy Superintendent ~~Ordonez~~ of Security Eastman that his cell was filthy caked up with garbage, had feces splattered on the left + right side of the walls, the floor area around the toilet was plastered with dry feces + urine, plaintiff explained to DSS Eastman that the cell issues were done by the last occupant of F.1.2.7 cell plaintiff's current cell at the time. Plaintiff also explained to DSS Eastman when he initially noticed his missing white clothing, state towel, and the ripped mattress missing a cushion compartment. Plaintiff also told DSS Eastman of an illegal deprivation order of state linen, pillow case, blankets, and state towel. DSS Eastman responded stating quote, "I don't care Ordonez, stop writing bullshit grievances, man up, and just maybe we might do something for you," unquote. (See exhibit #B)

29. On or around June 5, 2014 Superintendent Christopher Miller conducted a

Security round on F-1-Block oddside. Plaintiff notified Superintendent Christopher Miller of an illegal deprivation order for State linen, blankets, State green clothing, and pillow case. Superintendent Christopher Miller responded stating quote, "I got all your petty complaints about that deprivation order, and cell condition issues. I ~~complain~~ really don't give a rat's ass. Stop running your ball washers writing frivolous complaints in and out my facility, and just maybe you'll receive the services you desire," unquote.

VI Legal Claim

30. Plaintiff realleges, and incorporates by referencing his allegations in paragraphs [1-29] as if stated fully herein,

31. As a first cause of action the plaintiff claims that he was subjected to "retaliation for grievances, and lawsuits," pursuant to the First Fourteenth amendment of the U.S. Constitution, and the New York State Constitution Article I § 8, 9.

32. On or about May 28, 2014 plaintiff returned back to Great Meadow Correctional Facility F-1-Block oddside from Albany Med after receiving ~~suicidal~~ Suicidal Surgery. Plaintiff overheard a (C.O.) correctional officer in the bubble close to the search area where plaintiff was being held, tell another (C.O.) correctional officer quote, "Leduke, and Basque found the dirtiest cell where the last guy smeared all that shit on the walls for all those grievances Ordonez wrote against them," unquote.

33. Plaintiff notified block officer C.O. Clarence Leduke of his cell con-

-dition, and asked for cleaning supplies in which C.O. Clarence Leduke responded stating quote, "I know the last guy inside that cell was a pig@#ie. To answer your request, no one receives anything from me especially someone who wrote me up stupid faggot," unquote. Plaintiff was subjected to eat, and sleep around the exposure of another human's toxins, and inhaling the cells last occupant's feces + urine. Plaintiff suffered migraines, severe stomach aches, nausea and vomiting due to these conditions. The nurse was notified of said issues every morning from May 29th, 2014 - through July 13th, 2014. C.O. Clarence Leduke was well aware of the unhygienic cell plaintiff was placed in but deliberately denied plaintiff cleaning supplies in retaliation for writing grievances.

34. Plaintiff notified Sgt. Christopher Bascue of his cell's condition, and that the toilet was inoperable because it was clogged with feces + urine from cells last occupant. Plaintiff then requested for cleaning supplies and an emergency work order for inoperable toilet. Sgt. Christopher Bascue responded stating quote, "Do you really have the audacity to ask me for shit after you wrote me, and my friends up, snitch to all my Sup'nors about me, you aint getting shit from me retard," unquote. Plaintiff was subjected to eat, and sleep around an inoperable toilet clogged with the cells last occupant's feces + urine, the exposure of another human's toxins, and inhaling the cells last occupant's feces + urine. Plaintiff suffered migraines, severe stomach aches, nausea and vomiting due to these conditions. Plaintiff ~~exper~~ experienced these issues, and notified nurse every morning from May 29, 2014 - through July 13th, 2014. Sgt. Christopher Bascue was well aware of the unhygienic cell plaintiff was placed but deliberately denied

plaintiff cleaning supplies, and to order an emergency work order in retaliation for writing grievances.

35. On or about May 30th, 2014 plaintiff notified C.O. Joseph Beatty that the toilet in his cell was inoperable since May 28th, 2014 because it was clogged with feces + urine from the cell's last occupant. Plaintiff requested for cleaning supplies, and an operable toilet so plaintiff can use a clean toilet. C.O. Joseph Beatty responded stating quote, "I know you had something to do with fucking your toilet up you stupid nigger spick. Only thing you're getting from me is a ticket. No one writes my friends up, and thinks I'm going to give him shit," unquote. Plaintiff was subjected to eat and sleep around an inoperable toilet clogged with the cell's last occupant's feces + urine. Plaintiff suffered severe stomach aches, migraines, nausea, and vomitting due to these conditions. Plaintiff notified the nurse from May 29th, 2014 through July 13th, 2014 every morning. C.O. Joseph Beatty was well aware of the unhygienic cell plaintiff was housed in but deliberately denied plaintiff cleaning supplies, and to place plaintiff in a cell with an operable toilet in retaliation for writing grievances.

36. On or around May 30th, 2014 after breakfast was handed out the sewer outside the cells on the gallery was overflowing. Immediately after Sgt. Lowery, and C.O. Joseph Beatty stated quote, "You fucking retard you never fail to amaze me. You are a clear definition of a stupid nigger spick, you flooded your toilet, and the entire gallery," unquote. Sgt. Lowery said to plaintiff

plaintiff quote "You fucked up stupid wet-back now you're in deep shit. You wrote all these bull shit grievances on my staff now it's my turn to return the favor you stupid wet-back" unquote. Plaintiff was issued a false tier III misbehavior report, and illegal deprivation order in retaliation for writing grievances (see Exhibits # A, and B).

37. Plaintiff was issued a false misbehavior report, and linen deprivation order. C.O. Joseph Beatty told plaintiff on or around May 30th, 2014 quote, "You restarted ass spick you flushed your clothes in your toilet. I bet next time you'll think twice about writing my friends up" unquote. (See Exhibit # A)

38. Plaintiff attempted to explain his cell conditions to Sgt. Lowery, and asked for cleaning supplies on or around May 30th, 2014. Sgt. Lowery responded to plaintiff stating quote, "You ain't getting shit but a ticket wet-back now write that up" unquote. (See Exhibit # A). Plaintiff was subjected to eat, and sleep around an inoperable toilet clogged with the cells last occupant's feces + urine. Plaintiff was also subjected to eat, and sleep in an inhumane cell where the walls in such cell was covered in feces from another human who was the cell's last occupant (F-1-27 cell). Plaintiff suffered severe stomach aches, migraines, nausea, and vommitting due to these conditions. Plaintiff notified the nurse every morning from May 29th, 2014 - through - July 13th, 2014. Sgt. Lowery was well aware of the unhygenic cell plaintiff was housed in as well as inoperable toilet clogged with another human's feces, and urine that the plaintiff was housed in but deliberately denied plaintiff cleaning

supplies, and to place plaintiff in a cell with an operable toilet in retaliation for writing grievances.

39. Plaintiff was issued an illegal deprivation order by Sgt. Lowery (see exhibit #B) in retaliation for grievances written by plaintiff. Sgt. Lowery stated to plaintiff quote, "You don't get to have shit. Now write that up wet-back" unquote, after plaintiff asked Sgt. Lowery about the confiscated state linen, Sheets/blankets, state towel, pillow case, and state clothing. Plaintiff was subjected to sleep without linen, blankets, and/or pillow case in a filthy cell filled with feces + urine around on a ripped mattress missing a whole cushion compartment. Plaintiff was also cold at night which prevented plaintiff from getting sleep. Mental Health was notified. Nurse was notified from May 29th, 2014 - through - July 13, 2014 by plaintiff. Sgt. Lowery was well aware of the illegal deprivation order, and deliberately denied to remove the deprivation order in retaliation for ~~writing~~ plaintiff writing grievances.

40. Plaintiff notified Deputy Superintendent of Security Eastman of his cell conditions, an illegal deprivation order of state linen, towels, and pillow case. Plaintiff requested cleaning supplies, and for D.S. Eastman to discontinue the illegal deprivation order because plaintiff was being subjected to the exposure of another human's toxins. Plaintiff also explained he was forced to inhale the cell's last occupant feces + urine when he eats, and sleeps, having an inoperable toilet whenever his C.O.'s feel like it, being forced to sleep on a filthy mattress missing a whole cushion compartment that it was cold without linen preventing plaintiff from getting sleep. Plaintiff

told DSS Eastman that the cell conditions and illegal deprivation was causing me lack of sleep, severe stomach aches, migraines, nausea, and vommitting. DSS Eastman responded stating quote, "I don't care Ordoñez, stop writing grievances, man-up, and maybe we might do something for you," unquote. In doing so DSS Eastman used the precise language emphasizing that he was acting in retaliation for the plaintiff's grievances. Nurse was notified every morning from May 29th 2014 - through July 13th 2014.

41. On or about June 5th 2014 plaintiff notified Superintendent Christopher Miller of the cell conditions and of the illegal deprivation order. Superintendent Christopher Miller responded stating quote, "I got all your petty complaints about that deprivation order, and cell condition issues. I really don't give a rat's ass. Stop running your bell washer, writing frivolous complaints in, and out my facility, and just maybe you'll receive the services you desire," unquote. Plaintiff was subjected to live in an unhygienic cell exposed to another human's toxins, and an illegal deprivation order. Plaintiff suffered lack of sleep, severe stomach aches, migraines, nausea, and vommitting. Plaintiff also notified Superintendent Christopher Miller that he was being subjected to an inoperable toilet whenever his officer's felt like subjecting plaintiff to that. Plaintiff notified ~~recess~~ nurse every morning from May 29th 2014 - through July 13th 2014. Superintendent Christopher Miller was well aware of cell conditions, and illegal deprivation order. Superintendent Christopher Miller's precise language emphasized that he acted in retaliation for the grievances, and complaints plaintiff wrote in, and outside his facility.

42. As a second cause of action the plaintiff claims that he was

subjected to, "unequal treatment in direct violation of his civil rights," pursuant to his 14th amendment equal protection clause each and every defendant treated plaintiff as a class of different from pro-white Christian inmates and different from White Americans who files complaints & grievances. The defendants acted without rational basis.

43. Plaintiff also triggers the New York State Constitution Article 1 § 1, 11 for equal protection law when defendants treated plaintiff different then white American inmates because he is a Latin ~~Asian~~ American, and they have no legitimate reason to do so.

44. Plaintiff was subjected to cruel conditions, a false tier III misbehavior report, and an illegal deprivation order in retaliation for writing grievances, and racism. C.O. Joseph Beatty was notified by plaintiff of his cell conditions in which C.O. Joseph Beatty ~~denied~~ responded stating quote, "I know you had something to do with fucking your toilet up you stupid nigger spick, only thing you're getting from me is a ticket. No one writes my friends up and thinks im going to give him shit" unquote. C.O. Joseph Beatty denied plaintiff of cleaning supplies, a hygienic cell an operable toilet amongst other requests after plaintiff explained the exact need based only on the plaintiff's Latin race, and all the grievances plaintiff wrote. Plaintiff witnessed White Christian inmates make similar complaints, and receive immediate care from C.O. Joseph Beatty without receiving the same response. C.O. Joseph Beatty gave ~~the~~ the plaintiff as mentioned above.

45. C.O. Joseph Beatty stated to plaintiff quote, "You fucking

restart you never fail to amaze me. You are a clear definition of a stupid nigger spick. You flooded your toilet, and the entire gallery," unquote. In doing so C.O. Joseph Beatty used the precise language emphasizing his hate for plaintiff's Latin race.

46. Plaintiff was subjected to cruel conditions, a false tier III misbehavior report, and an illegal deprivation order in retaliation for writing grievances, and racism. Sgt. Lowery was notified by plaintiff of his cell conditions in which Sgt. Lowery responded stating quote, "You fucked up stupid wet-back now. You're in deep shit. You wrote all these bullshit grievances on my staff now it's my turn to return the favor you stupid wet-back," unquote. Sgt. Lowery denied plaintiff of cleaning supplies, a hygienic cell, an operable toilet, amongst other ~~requested~~ request after plaintiff explained the exact need based only on the plaintiff's Latin race, and all the grievances plaintiff wrote. Plaintiff witnessed White Christian inmates make similar request, complaints, and receive immediate care from Sgt. Lowery without receiving the same response. Sgt. Lowery gave the plaintiff as mentioned above.

47. Sgt. Lowery stated to plaintiff quote, "You aint getting shit but a ticket wet-back now write that up," unquote. In doing so Sgt. Lowery used the precise language emphasizing his hate for plaintiff's Latin race.

48. C.O. Joseph Beatty stated to plaintiff quote " You restarted ass spick you flushed your clothes in the toilet. Now I get to take all

your shit, and give you a ticket. I bet next time you'll think twice about writing my friends up" unquote. Sgt. Lowery stated to plaintiff quote, "You don't get to have shit. Now write that up wet-back. Expect a fucking ticket" unquote. Sgt. Lowery and C.O. Joseph Beatty used the precise language emphasizing ~~less~~ their hate for plaintiff's Latin Race, and that they acted in retaliation for plaintiff writing complaints.

49. Superintendent Christopher Miller, Deputy Superintendent of Security Eastman, Sergeant Christopher Bascue, Sergeant Lowery, (C.O) Correctional Officer Clarence Leduque, and (C.O) correctional officer Joseph Beatty were witnessed treating white Christian inmates differently than the plaintiff. Plaintiff witnessed white Christian inmates make similar complaints, and receive immediate care from all defendants without receiving the same response. Defendants gave the plaintiff. The defendants are C.O. Clarence Leduque, C.O. Joseph Beatty, Superintendent Christopher Miller, Deputy Superintendent of Security Eastman, Sgt. Christopher Bascue, and Sgt. Lowery.

50. As a third cause of action plaintiff claims being subjected to inhumane conditions of confinement in, violation of pursuant to 8th & 14th amendment, of United States Constitution, and New York State Constitution Article I § 1, 5, 11.

51. Plaintiff was placed in an unhygienic cell with the walls covered in another human's feces, a cell with an inoperable toilet clogged with another human's feces, and urine. Plaintiff was placed in a cell filled

with caked up garbage, a filthy ripped mattress missing a cushion compartment, and several of the plaintiff's white clothing. As soon as plaintiff was ~~placed~~ placed in the cell he noticed the cell's condition, and notified block officer C.O. Clarence Leduque. C.O. Clarence Leduque denied him cleaning supplies. C.O. Clarence Leduque was well aware of the plaintiff's cell conditions yet he refused to remediate issues deliberately leaving plaintiff in an inhumane cell. Plaintiff suffered severe stomach aches, migraines, nausea, lack of sleep, and vomiting. Plaintiff was subjected to eat, and sleep around the exposure of inhaling another human's toxins (Feces+urine). Nurse was notified of said issues every morning from May 29th, 2014 - through July 13th, 2014.

52. Plaintiff was placed in an unhygienic cell with the walls covered in another human's feces, a cell that reeked/smelled with a strong odor of feces + urine, a cell with an inoperable toilet clogged with another human's feces and urine. Plaintiff was placed in a cell filled with caked up garbage, a filthy mattress missing a whole cushion compartment, and several of the plaintiff's ~~white~~ white clothing misplaced. As soon as plaintiff was placed in the cell, and noticed the cell's condition he notified area Supervisor Sgt. Christopher Bascue. Sgt. Christopher Bascue was well aware of the plaintiff's cell conditions yet he denied him cleaning supplies to remediate such issues, and deliberately left plaintiff in an inhumane cell. Plaintiff suffered severe stomach aches, migraines, nausea, lack of sleep, and vomiting. Plaintiff was subjected to eat, and sleep around the exposure of inhaling another human's toxins (Feces+urine). Nurse was notified of said issues every morning from May 29th, 2014 - through July 13th, 2014.

53. Plaintiff was placed in an unhygienic cell with the walls covered in another

human's feces, a cell that reeked/smelled with a strong odor of feces+urine, a cell with an inoperable toilet clogged with another human's feces, and urine. Plaintiff was placed in a cell filled with caked up garbage, a filthy ripped mattress missing a whole cushion compartment, and several of the plaintiff's white clothing, misplaced. On or about May 30th, 2014 plaintiff notified C.O. Joseph Beatty, and Sgt. Lowery of his cell's condition. C.O. Joseph Beatty, and Sgt. Lowery denied plaintiff cleaning supplies, to remediate such issues, and deliberately left plaintiff in an inhumane cell. C.O. Joseph Beatty, and Sgt. Lowery issued plaintiff a false misbehavior report which plaintiff was found not guilty on, and based on that false tier III misbehavior report plaintiff was issued an illegal deprivation order. Because of the illegal deprivation order plaintiff's state liner, and state clothing was confiscated subjecting plaintiff to sleep on a filthy mattress missing a cushion compartment, and lose sleep due to insomnia. Plaintiff suffered severe stomach aches, migraines, nausea, lack of sleep weight loss, skin rashes, and vomiting. Plaintiff was ~~subjected~~ subjected to eat, and sleep around the exposure of inhaling another human's toxins (Feces + Urine). Nurse was notified of said medical issues every morning from May 29th, 2014 - through -July 13, 2014.

54. Plaintiff was placed in an unhygienic cell with the walls covered in another human's feces, a cell that reeked/smelled with a strong odor of feces + urine, a cell with an inoperable toilet clogged with another human's feces, and urine. Plaintiff was placed in a cell filled with caked up garbage, a filthy ripped mattress missing a whole cushion compartment, and several of the plaintiff's white clothing misplaced. As soon as plaintiff was placed in the cell he noticed the cell's condition. Plaintiff notified Deputy Superintendent of Security Eastman. DSS Eastman was well aware of the plaintiff's cell conditions yet he denied him cleaning supplies, to remediate such issues, and deliberately

left plaintiff in an inhumane cell. Plaintiff suffered severe stomach aches, migraines, nausea, lack of sleep, and vomiting. Plaintiff was subjected to eat, and sleep around the exposure of inhaling another human's toxins (Feces + urine). Nurse was notified of said medical issues from May 29, 2014 - through July 13, 2014.

55. Plaintiff was placed in an unhygienic cell with the walls covered in another human's feces, a cell that reeked/smelled with a strong odor of feces + urine, a cell with an inoperable toilet clogged with another human's feces, and urine. Plaintiff was placed in a cell filled with caked up garbage, a filthy ripped mattress missing a whole cushion compartment, and several of the plaintiff's white clothing misplaced. On or about June 5th, 2014 plaintiff notified Superintendent Christopher Miller of cell conditions. Superintendent Christopher Miller was well aware of the plaintiff's cell conditions yet he denied him cleaning supplies to remediate such issues, and deliberately left plaintiff in an inhumane cell. Plaintiff suffered severe stomach aches, migraines, nausea, lack of sleep, and vomiting. Plaintiff was subjected to eat, and sleep around the exposure of inhaling another human's toxins (Feces + urine). Nurse was notified of said medical issues from May 29, 2014 - through July 13, 2014.

56. Superintendent Christopher Miller, Deputy Superintendent of Security Eastman, Sgt. Loseny, Sgt. Christopher Bascue, C.O. Clarence Beduke, and C.O. Joseph Beatty, were all aware of the plaintiff's cell conditions yet they denied plaintiff cleaning supplies, to remediate such issues, and deliberately left plaintiff in an inhumane cell. Plaintiff suffered severe stomach aches, migraines, nausea, lack of sleep, weight loss, skin rashes, and vomiting. Plaintiff was subjected to eat, and sleep around the exposure of inhaling another human's toxins

(Feces + Urine). Nurse was notified of said medical issues every morning from May 29, 2014 - through - July 13, 2014.

V II Prayer For Relief

57. Wherefore, the plaintiff respectfully pray the court grants him the following relief:

58. Punitive damages: \$600,000. \$100,000. separately for each individual.

59. Compensatory damages: \$600,000. \$100,000. separately for each individual.

60. A jury trial on all issues ~~to be~~ triable by jury.

61. Plaintiff's costs in this suit.

62. Declaratory & Injunctive relief: The plaintiff demanded that the court order a separation between plaintiff, and all the defendants, further that the court order a separation between plaintiff, and Great Meadow Correctional Facility. And that the Court order any defendant held found liable for actions alleged in this complaint. That the court order every individual found liable for any action be permanently removed from duties, and be brought criminal actions.

63. Any additional relief this court deems just, proper, and equitable.

V III Verification

64. I have read the foregoing complaint, and hereby verify that the matters alleged therein are true, except as to matters alleged on information,

~~statements~~ and belief, and as to those, I believe them to be true. I certify under penalty of perjury that the following is true, and correct.

Sworn to before me this
21st day of Sept
6 2016
George M. Pribulick Jr.
Notary Public

sworn to by me

X GM P

George M. Pribulick Jr.
Notary Public, State of New York
Chemung County, No. 01PR6906783
Commission Expires June 23, 2016